

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	21-CV-7700 (VSB) (SN)
	:	
-against-	:	<u>ORDER</u>
	:	
SIMON PIERS THURLOW, <i>et al.</i> ,	:	
	:	
Defendants.	X	

VERNON S. BRODERICK, United States District Judge:

On September 5, 2024, I issued an Opinion & Order in which I *sua sponte* raised whether Defendant R. Fidler’s representation of his co-defendants presented an actual or potential conflict of interest. (Doc. 51.) In response, R. Fidler withdrew his representation of certain Defendants. (Doc. 80.) R. Fidler now represents Defendants B. Fidler, B. Boucher, and Western Bankers Capital Inc., and has submitted conflict waivers on these Defendants’ behalf. (*See* Doc. 78.) Plaintiff argues that I should nonetheless disqualify R. Fidler from representing B. Fidler, B. Boucher, and Western Bankers Capital Inc., as the allegations in the complaint suggest that R. Fidler’s interests in this litigation are or will become adverse to the co-defendants he represents. (*See* Doc. 85.)

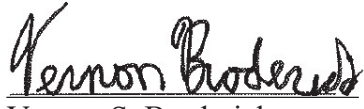
I find that R. Fidler’s submissions are insufficient to demonstrate that disqualification is unwarranted. Accordingly, it is hereby:

ORDERED that counsel for all parties; R. Fidler; B. Fidler; B. Boucher; and a representative of Western Bankers Capital shall appear for a hearing on this matter on December 10, 2024 at 2:00 p.m. in Courtroom 518 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. R. Fidler shall be prepared to testify and present argument

as to why representing his co-defendants does not or will not violate Rules 1.7 and 3.7 of the New York Rules of Professional Conduct. B. Fidler; B. Boucher; and the Western Bankers Capital representative shall be prepared to testify as to their knowledge of and agreements to waive these actual or potential conflicts of interest. Counsel for Plaintiff may present argument in support of their position regarding actual or potential conflicts of interest in this case.

SO ORDERED.

Dated: October 28, 2024
New York, New York


Vernon S. Broderick
United States District Judge